IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Crl.MC.No. 55 of 2006(B)

CC.585/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

.....

PETITIONERS: ACCUSED. NO.1 TO 3

---

1. E.P.SREEJITH, S/O.P.T.RAMAN, AGED 32YEARS, RESIDING AT SREENILAYAM, NEAR GOVERNMENT BRENNAN COLLEGE, DHARMADOM 670 106, THALASSERY TALUK, KANNUR DISTRICT.

SUPPL. 2. P.T.RAMAN, AGED 70 YEARS, RESIDING AT `SREENILAYAM', NEAR GOVT.BRENNAN COLLEGE, DHARMADAM, THALASSERY, THALASSERY TALUK, KANNUR DISTRICT.

3. C.E.SHAILAJA, W/O.P.T.RAMAN, AGED 60 YEARS, RESIDING AT `SREENILAYAM', NEAR GOVT.BRENNAN COLLEGE, DHARMADAM, THALASSERY, THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS: STATE OF DEFACTO COMPLAINANT.

---

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. M.V.VINDIA, D/O.K.V.VIJAYAN, AGED 27 YEARS, RESIDING AT VINDIA VIHAR, NEAR KANATHOOR KAVU, KANNUR TALUK, KANNUR 670 001.

(SUPPLEMENTAL PETITIONERS 2 & 3 ARE IMPLEADED AS PER ORDER DT.15.12.2006 IN CRL.M.APPL.7320 OF 2006)

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR
R2 BY ADV. SRI.V.M.UNNI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.55 OF 2006

Dated this the 15th day of December, 2006.

ORDER

The petitioners including the supplemental petitioners are the accused facing prosecution for the offence punishable under Section 498 A read with 34 I.P.C. When this petition came up for hearing, the learned counsel for the petitioners and the learned counsel for the 2nd respondent reported to the Court that the matter has been settled between the parties and the offence committed by the petitioners has been compounded by the 2nd respondent/defacto complainant. The 1st petitioner is the husband of the 2nd respondent/defacto complainant and petitioners 2 and 3 are the parents of the 1st petitioner/accused. It is submitted that the marriage between the 1st petitioner and the defacto complainant has now been dissolved as per Annexure-C order and the parties have settled all their disputes and the 2nd respondent has compounded the offence allegedly committed by the petitioners.

2. I am satisfied from the submissions made at the Bar, and from the joint statement filed by the parties that the disputes have been settled and the offence has been compounded by the

2nd respondent. The offence under Section 498 A I.P.C is not compoundable. But invoking the dictum in **B.S.Joshy v. State of Haryana** [A.I.R (2003) S.C 1386], I am satisfied that the proceedings can be quashed invoking the extraordinary inherent jurisdiction under Section 482 Cr.P.C.

3. This Crl.M.C is, in these circumstances, allowed. C.C.No.585 of 2005 pending before the Judicial First Class Magistrate Court, Thalassery against all the petitioners - including the supplemental petitioners 2 & 3, shall stand quashed.

R.BASANT
JUDGE

rtr/